

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of WILLIAM COLLIN DARBY,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER DARBY,

Respondent-Appellant.

UNPUBLISHED

October 23, 2007

No. 277701

Ingham Circuit Court

Family Division

LC No. 00-064465-NA

Before: Bandstra, P.J., and Talbot and Fort Hood, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err by finding at least one statutory ground for termination of respondent's parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary condition of adjudication was respondent's pervasive instability, indicated by having 22 caregivers for the child before the age of two, providing several different addresses as her residence, and failing to participate in services in a child protective services case opened only months before the commencement of the current proceedings and which was closed when respondent could not be located. The record amply reflects that respondent's instability was not rectified. During these proceedings of approximately 15 months, respondent had sporadic employment and held approximately 20 jobs. At the same time, the documentation she provided indicated employment of only approximately 20 hours per week at \$7 per hour during substantial periods of time. Respondent also moved a number of times during these proceedings, most recently moving from Lansing to a homeless shelter in Kalamazoo, and then to the apartment that she currently leases. Respondent's current apartment was unfurnished, and she was one month behind in rent. Respondent's decision to move to Kalamazoo, allegedly for employment opportunities, only to take short-term and limited-hours employment with McDonald's and Krispy Kreme, appears to confirm her long-term pattern of instability. This pattern continued up to the time of the termination trial, as respondent at or around that time announced yet another job for which she had not yet received a paycheck. Respondent's reported progress in therapy and her improved

interactions with the child, both cited by respondent on appeal, simply do not address the pattern of instability evidenced over a long term period before this matter and continuing through these proceedings. We cannot conclude that the trial court clearly erred by finding that the conditions of adjudication continued to exist. MCL 712A.19b(3)(c)(i).

Turning to the second prong of statutory subsection (c)(i), the record offers little reason to suppose that there is any reasonable likelihood that this pattern would be rectified within a reasonable time considering the age of the child. MCL 712A.19b(3)(c)(i). Although antidepressant medication was recommended in respondent's psychiatric evaluation, she was not taking any medication at the time of the termination trial. Respondent's assertion that the child was removed from her care because of a miscommunication and that he should not have been removed further suggests that, despite some reported progress in therapy, she still does not recognize the problems that brought the child into care. Under these circumstances, we are not persuaded that the trial court made a mistake by finding that there was no reasonable likelihood that the conditions of adjudication would be rectified within a reasonable time considering the age of the child. *Id.*

The same evidence establishes that respondent failed to provide proper care and custody for the minor child and that there was no reasonable likelihood that she would be able to do so within a reasonable time considering the age of the child. MCL 712A.19b(3)(g). The trial court did not err in concluding that petitioner also established this statutory ground for termination of respondent's parental rights.

Finally, the trial court did not clearly err by finding that termination of respondent's parental rights was not clearly contrary to the best interests of the child. MCL 712A.19b(5). Although respondent is bonded to the child, a therapist who observed respondent with William and assisted her with parenting skills was unable to testify that William is bonded with respondent. Where respondent has not demonstrated even minimal stability throughout the course of these proceedings, fails to take prescribed medication, and does not recognize the reasons the child was removed from her care, there is no basis to conclude that the trial court made a mistake by finding that termination of respondent's parental rights was in the best interests of the child.

Affirmed.

/s/ Richard A. Bandstra

/s/ Michael J. Talbot

/s/ Karen M. Fort Hood